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UNITED STATE DISTRICT COURT

DISTRICT OF NEVADA

MARIZA SANTOYO and FERNANDO
SANTOYO,

Plaintiffs,

v.

WAL-MART STORES, INC., WAL-MART
REAL ESTATE BUSINESS TRUST; DOES 1
through 10; and ROE ENTITIES 11-20,
inclusive,

Defendants.

Case No.: 2:11-cv-00369-RCJ –PAL

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES
[FIRST REQUEST]**

Plaintiffs MARIZA SANTOYO and FERNANDO SANTOYO, and Defendant WAL-MART STORES, INC., by and through their respective counsel of record, do hereby stipulate and agree to amend the current scheduling order and discovery plan to extend certain remaining deadlines named herein for a period of 45 days. Pursuant to Local Rule 6-1(b), the parties hereby represent that this is the first such discovery extension requested in this matter. The parties propose the following discovery plan:

A. **Discovery Cut-Off Date(s)**: The parties request that the discovery cut-off date be continued 45 days from September 5, 2011. Therefore, the discovery cut-off would be October 20, 2011.

B. **Disclosure of Experts**: Disclosure of experts shall proceed according to FRCP 26(a)(2) as follows: The disclosure of experts and their reports shall occur on or before August 21, 2011. The disclosure of rebuttal experts and their reports shall occur on September 20, 2011. These deadlines are 60 and 30 days before the discovery cut-off date, respectively.

1 C. **Interim Status Report:** The parties shall file the interim status report required by LR
2 26-3 by August 21, 2011, 60 days before the discovery cut-off date, as required by LR 26-3.

3 D. **Dispositive Motions:** The parties shall have until November 19, 2011, to file dispositive
4 motions. This is 30 days after the discovery cut-off date and does not exceed the outside limits of 30 days
5 established by LR 26-1(e)(4).
6

7 E. **Pre-Trial Order:** The parties will prepare a Consolidated Pre-Trial Order by December
8 19, 2011, which is not more than 30 days after the date set for filing dispositive motions in this case. This
9 deadline will be suspended if dispositive motions are timely filed until 30 days after the decision of the
10 dispositive motions or until further order of the Court. The disclosures required by FRCP 26(a)(3) and
11 objections thereto, shall be made in the pretrial order.
12

13 F. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** LR
14 26-4 governs modifications or extensions of this Discovery Plan and Scheduling Order. Any
15 stipulation or motion must be made not later than September 30, 2011, 20 days before the discovery
16 cut-off date.

17 **DISCOVERY COMPLETED TO DATE**

18 The parties have conducted an FRCP 26(f) conference. The parties have exchanged FRCP 26(a)
19 Initial and Supplemental Disclosures of documents and the names of individuals with knowledge of the
20 facts pertaining to the claims set forth in this matter. Defendant has subpoenaed Mrs. Santoyo's medical
21 and employment records. Plaintiffs have served Interrogatories, Requests For Production, and Requests
22 For Admission, and, after meeting and conferring with Defense counsel, have withdraw the previously-
23 served discovery requests and have served Revised Requests For Production and Interrogatories.
24 Defendant has served, and Plaintiffs have served responses and objections to, Interrogatories, Requests
25 For Admission, and Requests For Production. The parties have met and conferred regarding an
26 Independent Medical Examination of Mrs. Santoyo, as well as Plaintiffs' outstanding discovery requests.
27
28

DISCOVERY TO BE COMPLETED

Defendant will serve responses to Plaintiffs' outstanding discovery requests. Mrs. Santoyo will participate in an Independent Medical Examination, after which both parties anticipate disclosing expert witnesses and, where appropriate, rebuttal expert witnesses. Defendant, upon receipt and review of the remaining medical records of Mrs. Santoyo not yet received in response to subpoenas, will depose both Plaintiffs and several of Mrs. Santoyo's medical providers. Plaintiffs will depose witnesses identified in Defendant's disclosures and discovery responses. Each party will depose any expert(s) and/or rebuttal expert(s) disclosed by the other party.

REASONS FOR EXTENSION TO COMPLETE DISCOVERY

Mrs. Santoyo, because of her alleged injuries as well as her childcare and other familial responsibilities, is unable to travel to Sacramento to participate in an Independent Medical Examination. The parties therefore have met and conferred and have agreed that Defendant's expert, Dr. Steven L. McIntire, will accommodate Mrs. Santoyo by traveling to Las Vegas to perform the IME. However, Dr. McIntire's schedule is such that he is unavailable for travel to Las Vegas until August 4, 2011, nearly a month after the expert disclosure deadline currently in effect. In addition, deposition of both Plaintiffs and other witnesses will be most effectively accomplished after the IME and disclosure of the parties' experts and their reports.

[PROPOSED] NEW DISCOVERY DEADLINES

Discovery Cut-Off Date	October 20, 2011
Expert Disclosure Deadline	August 21, 2011
Rebuttal Expert Disclosure Deadline	September 20, 2011
Interim Status Report	August 21, 2011
Dispositive Motion Deadline	November 19, 2011
Pre-Trial Order	December 19, 2011

1 If the requested extension is granted, all anticipated additional discovery should be concluded
2 within the stipulated extended deadlines. This request for extension is made by the parties in good faith
3 and not for the purpose of delay.

4 DATED this 24th day of June, 2011.

DATED this 24th day of June, 2011.

5 **RICHARD HARRIS LAW FIRM**

PHILLIPS, SPALLAS & ANGSTADT, LLC

6
7 /s/ Bryan A. Boyack

/s/ A. J. Sharp

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11
12 **ORDER**

13 **IT IS SO ORDERED.**

14 DATED on this 52^y day of Lwpg, 2011.

15
16 
17 **UNITED STATES MAGISTRATE JUDGE**